

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW R. PEREZ,

Plaintiff,

v.

R. BINKELE, et al.,

Defendants.

Case No. [18-cv-04856-SI](#)

**SCHEDULING ORDER**

Re: Dkt. No. 20

In this *pro se* civil rights action, plaintiff has sued several correctional officials, as well as a doctor and nurse at a local hospital, for damages based on a search for contraband believed to be hidden in plaintiff's body. The four correctional officials have requested an extension of the deadline to file their dispositive motion, the doctor has moved to dismiss the complaint, and the nurse has not yet been located for service of process.

Defendants Franco, Moore, Peffle, and Salgado (the "correctional officials") have moved for a 120-day extension of the April 26, 2019 deadline to file a motion for summary judgment. Upon due consideration of the application and the accompanying declaration of attorney Laraya Parnell, the correctional officials' request is GRANTED. Docket No. 20. The correctional officials must file and serve their motion for summary judgment no later than **August 2, 2019**. Plaintiff must file and serve his opposition to that motion no later than **August 30, 2019**. Defendants must file and serve their reply (if any) in support of the motion for summary judgment no later than **September 13, 2019**.

In the order of service, the court found that a cognizable claim was stated against a person identified in the complaint as "nurse Jane Doe SBC," and directed plaintiff to provide her true name so that she could be served with process. Docket No. 9 at 9. Plaintiff then filed a document stating

1 that the Jane Doe defendant was Sunni B. Clement, a nurse at Natividad Medical Center. Docket  
2 No. 10. The court ordered service of process on nurse Clement at Natividad Medical Center. Docket  
3 No. 11. The Marshal has returned the summons unexecuted with a note that “3/15/19 – nurse Sunni  
4 B. Clement does not work there.” Docket No. 18. Thus, service of process has not occurred as to  
5 this defendant.

6 Plaintiff will be given one last opportunity to provide information for service of process on  
7 nurse Sunni B. Clement. No later than **June 30, 2019**, plaintiff must provide a current address at  
8 which nurse Clement may be found to be served with process. If he does not provide the information  
9 by that deadline, nurse Clement will be dismissed from this action without prejudice to plaintiff  
10 filing another action against her if he ever locates her. If he is certain that he has the correct name  
11 for the defendant, plaintiff might try to locate her current address by writing to the hospital or the  
12 agency that licenses nurses in California and asking for that information. Once again, the court  
13 reminds plaintiff that the burden is on him to provide the information so this defendant can be served.

14 **IT IS SO ORDERED.**

15 Dated: April 29, 2019

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17 SUSAN ILLSTON  
18 United States District Judge  
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